

SUBJECT: Requiring immigration admonition be given orally and in writing

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Collier, Zedler, K. Bell, J. González, Hunter, Moody, Murr, Pacheco

0 nays

1 absent — P. King

WITNESSES: For — (*Registered, but did not testify:* Nicholas Hudson, American Civil Liberties Union of Texas; Derek Cohen, Texas Public Policy Foundation)

Against — None

BACKGROUND: Code of Criminal Procedure art. 26.13(a)(4) requires a court to admonish a defendant who is not a citizen of the United States of America of the fact that accepting a plea of guilty or nolo contendere may result in deportation, the exclusion from admission to the country, or the denial of naturalization. Art. 26.13(d) permits a court to make admonitions regarding guilty or nolo contendere pleas either orally or in writing.

DIGEST: HB 1996 would require the admonitions required of a court in Code of Criminal Procedure art. 26.13(a)(4) to be made both orally and in writing.

The court would need to receive a statement signed by the defendant and the defendant's attorney that the defendant understood the admonition and was aware of the consequences of the plea. If the defendant refused or was unable to sign the statement, the court would be required to make a record of that fact.

The bill would take effect September 1, 2019.